IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

JAKOBUS MIDDELJANS ET AL

PHNL 000755

Serial No.:

Filed: CONCURRENTLY

Title: INTERNET PAYMENT PROCESS BASED ON RETURN TRAFFIC

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Prior to calculation of the filing fee and examination, please amend the above-identified application as follows:

IN THE CLAIMS

Please amend the claims as follows:

3. (Amended) Process for controlling delivery of digital works across a communications channel according to claim 1, characterized in that in step (e) continuation of the streaming of packets with content by the server occurs whereby a certain number of packets may be transmitted while a number of acknowledgement codes in transit less than or equal to another pre-determined number of acknowledgement codes encompassed in the credit window have not yet been received by the server.

5. (Amended)   Process according to claim 1 for use in
conducting business operations or commercial transactions,
comprising regulation of payment based on received return
traffic.

7. (Amended)   A method of sending and/or receiving packets
by a system comprising a server and a client, said method
comprising one or more steps including at least step (c) of a
process according to claim 1.

8. (Amended)   A method of sending and/or receiving packets
by a server, comprising one or more steps including at least
step (c) or step (e) of a process according to claim 1.

9. (Amended)   A method of sending and/or receiving packets
by a client, comprising one or more steps including at least
step (c) or step (e) of a process according to claim 1.

13. (Amended)   Computer programme according to claim 10 on
or in a carrier comprising a storage medium.

14. (Amended)   Computer programme according to claim 10 with
or in a transmissible carrier such as an electrical or
optical signal

15. (Amended)   Transmission entity of which a computer
programme according to claim 10 forms a component.

16. (Amended) A system for controlling delivery of digital works across a communication channel such as the internet whereby there is to be paid for the content of said digital works, whereby the system is operable on a server computer and a client (requester) computer, whereby the system comprises:

one or more repositories for storing and exchanging digital works, each of said digital repositories comprising:

storage means for storing digital works and usage rights attached to said digital works;

transaction processing means having a requester mode of operation for requesting access to a digital work, said request specifying a usage right, to which usage right is attached a payment token, and a server mode of operation for processing requests to access said requested digital work based on said usage right specified in said request and usage rights attached to said digital work;

transmission means for transmission of the digital work from the server to the requester, said transmission means operable under a protocol suitable for carrying out the process according to claim 1.

<center>REMARKS</center>

The foregoing Preliminary Amendment to claims 3, 5, 7-9, 13-16 was made solely to avoid filing the claims in the multiple dependant form so as to avoid the additional filing

fee.

The claims were not amended in order to address issues of patentability and Applicant respectfully reserves all rights she may have under the Doctrine of Equivalents. Applicant furthermore reserves her right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Respectfully submitted,

By

Michael E. Marion, Reg. 32,266
Attorney
(914) 333-9641

APPENDIX

3. (Amended)   Process for controlling delivery of digital works across a communications channel according to claim 1 ~~or claim 2~~, characterized in that in step (e) continuation of the streaming of packets with content by the server occurs whereby a certain number of packets may be transmitted while a number of acknowledgement codes in transit less than or equal to another pre-determined number of acknowledgement codes encompassed in the credit window have not yet been received by the server.

5. (Amended)   Process according to ~~any of~~ claims 1-4 for use in conducting business operations or commercial transactions, comprising regulation of payment based on received return traffic.

7. (Amended)   A method of sending and/or receiving packets by a system comprising a server and a client, said method comprising one or more steps including at least step (c) of a process according to ~~any of~~ claims 1-6.

8. (Amended)   A method of sending and/or receiving packets by a server, comprising one or more steps including at least step (c) or step (e) of a process according to ~~any of~~ claims 1-6.

9. (Amended)   A method of sending and/or receiving packets by a client, comprising one or more steps including at least step (c) or step (e) of a process according to ~~any of~~ claims 1-~~6~~.

13. (Amended)   Computer programme according to ~~any of~~ claims 10-~~12~~ on or in a carrier comprising a storage medium.

14. (Amended)   Computer programme according to ~~any of~~ claims 10-~~12~~ with or in a transmissible carrier such as an electrical or optical signal

15. (Amended)   Transmission entity of which a computer programme according to ~~any of~~ claims 10-~~12~~ forms a component.

16. (Amended)   A system for controlling delivery of digital works across a communication channel such as the internet whereby there is to be paid for the content of said digital works, whereby the system is operable on a server computer and a client (requester) computer, whereby the system comprises:
one or more repositories for storing and exchanging digital works, each of said digital repositories comprising:
storage means for storing digital works and usage rights attached to said digital works;

transaction processing means having a requester mode of

operation for requesting access to a digital work, said

request specifying a usage right, to which usage right is

attached a payment token, and a server mode of operation for

processing requests to access said requested digital work

based on said usage right specified in said request and usage

rights attached to said digital work;

transmission means for transmission of the digital work from

the server to the requester, said transmission means operable

under a protocol suitable for carrying out the process

according to ~~any of~~ claims 1~~-6~~.